

REMARKS

Applicants and their Attorney, Sidney Persley, would like to thank the Examiner and her SPE, Ms. Williams, for taking time out of their busy schedule to meet with them on July 12, 2005.

Rejection Under 35 U.S.C. § 102(e)

Claims 1-84 of the application have been rejected under 35 U.S.C. §102(e) as being anticipated by Chan (U.S. Pat. No. 6,342,952), which discloses a method for color matching printing inks.

In response, Claims 1, 35 and 53 have been amended to include a limitation of the Applicant's method and system of development of a color product that incorporates the step of either halting the development of the color product or delivering a warning that the first color is not compatible with a received physical characteristic. Support for the limitation can be found in the Applicants' specification on page 27, line 11 to page 28, line 12; page 29, lines 1 to 6; page-41 lines 3 to 7; page 42 lines 4 to 15; page-43, lines 11 to 15; and also in Figure 5.

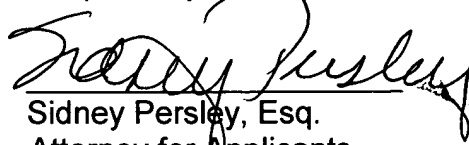
This step is not disclosed or suggested in Chan. Conversely, Chan's method generates a color match formula and immediately produces an ink formula for manufacture regardless of whether or not such ink product meets the ink performance for the specific printing job (see column 7, lines 51-52). For example, Figure 1 in Chan presents a schematic of Chan's printing ink color matching process. The schematic fails to disclose a step whereby Chan's system halts the process or warns of any unsuitability of ink performance for the specific printing job. Viewing Figure 1 in Chan, we see that Software C "Calculates & Search for Close Color Match Using Stored Database", then the method produces "Approved Match Formulas" which is then "Downloaded to Automated Dispensing Equipment for Manufacture of Inks".

Since Chan's method does not disclose that it provides for halting or warning, which is now included in the Applicants' claims, it fails to meet the criteria for 35 U.S.C. 102(e) rejections which requires a claim is anticipated only if each and every element and limitation recited in the claim is present, either expressly or inherently. Therefore, the rejection should be withdrawn.

Conclusion

Applicants believe that these Amendments and Remarks provided herein adequately and completely address the rejections raised by the Examiner. The amendments to the Applicant's Claims are adequately supported by the Specification and contain no new matter. It is therefore respectfully submitted that the Claims are now in condition-for-allowance.

Respectfully submitted,



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I, David Lazar, hereby certify that this correspondence (and any referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as first class mail on the date below and in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.
Date: October 25, 2005

Signature  _____